



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 20, 1996

Ms. Amy L. Whitt  
Assistant City Attorney  
City of Lubbock  
P.O. Box 2000  
Lubbock, Texas 79457

OR96-0984

Dear Ms. Whitt:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39995. The City of Lubbock (the "city") received a request for "records from the City concerning Officer Robison, from 1986 to the present date, reflecting complaints made by citizens against Officer Robison's performance of his duties as a Policeman for the City of Lubbock." You assert that the requested information is made confidential by section 143.089(g) of the Local Government Code.

Section 552.101 of the Government Code excepts from required public disclosure information that is confidential by law. Section 143.089(g) of the Local Government Code reads as follows:

A fire or police department may maintain a personnel file on a fire fighter or police officer employed by the department for the department's use, but the department may not release any information contained in the department file to any agency or person requesting information relating to a fire fighter or police officer. The department shall refer to the director [of the city's civil service commission] or the director's designee a person or agency that requests information that is maintained in the fire fighter's or police officer's personnel file.

You inform us, and the records disclose, that none of the investigations resulted in the department taking disciplinary action against the officer. Section 143.089(g) makes the requested records confidential. *City of San Antonio v. Texas Attorney General*, 851 S.W.2d 946 (Tex. App.--Austin 1993, writ denied). Accordingly, the city must withhold the requested information from required public disclosure based on section 552.101 of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a stylized flourish at the end.

Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 39995

Enclosures: Submitted documents

cc: Mr. Dennis R. Reeves  
Attorney at Law  
3716 21st Street, Suite 105  
Lubbock, Texas 79410  
(w/o enclosures)